

Notice of Allowability

Application No.

10/003,925

Applicant(s)

TAYLOR ET AL.

Examiner

Carl H. Layno
Carl H. Layno 10/18/04

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No. 06282004.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☒ The drawings filed on 20 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/19/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Acknowledgment is made of applicant's after final amendment which was received by the Office on June 28, 2004.

2. Claims 1-36 are active.

Information Disclosure Statement

3. Acknowledgment is made of applicant's Information Disclosure Statement (PTO-1449) which was received by the Office on July 19, 2004.

1.131 Declaration

4. In view of applicant's submission of photocopy evidence supplied from the lab notebook of inventor William J. ("John") Taylor (i.e. two pages signed and dated October 7, 1999), the applicant's declaration filed pursuant to 37 CFR 1.131 is approved by the Examiner.

Claim Rejections - 35 USC § 102

5. In view of the applicants' submission of an approved 37 CFR 1.131 declaration antedating the prior art filing dates of the Spillman '350-A and Frysz et al '716-A1 references, the Examiner is withdrawing the 35 U.S.C 102(e) rejections of Spillman '350-A1 and Frysz et al '716-A1, which were made against claims 1, 3-16, 18-25, 27, 29, 30, 32, 33, 35, and 36 in the Office action of October 21, 2003.

Claim Rejections - 35 USC § 103

6. In view of the inapplicability of the Spillman '350-A1 and Frysz et al '716-A1 references as noted above in paragraph 5, the Examiner is withdrawing the 35 U.S.C 103(a) rejections based upon these references, which were made against claims 2, 17, 26, 28, 31, and 34 in the Office action of October 21, 2003.

Examiner's Amendment

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul H. McDowall on October 19, 2004.

The application has been amended as follows:

-Claim 1, line 2, insert the words "titanium alloy" before the word "terminal".

Allowable Subject Matter

8. Claims 1-36 are now allowed.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Taylor et al '011 patent is cited for its pertinent structural feedthrough terminal pin structures (Fig.2). Unlike applicant's present application, that of the '011 patent only specifies terminal pins constructed of pure titanium, platinum, or platinum-iridium (col.2, lines 8-10), not titanium alloy.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (703) 308-3694. The examiner can normally be reached on Monday thru Thursday from 9 AM to 6 PM and every other Friday between 9AM and 5PM. A voice mail or E-mail message (carl.layno@uspto.gov) may be left if desired.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes, can be reached on (703) 308-5181. All faxed correspondence should be sent to the Office's Official FAX number (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Legal Instruments Examiner (LIE) Brenda Webb whose telephone number is (703) 305-7520.



CARL LAYNO
PRIMARY EXAMINER

CHL
10/18/2004